

SIKKIM



GOVERNMENT

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GOVERNMENT OF SIKKIM
DEPARTMENT OF HEALTH CARE, HUMAN SERVICES AND FAMILY WELFARE
TASHILING SECRETARIAT, GANGTOK

No. 47/HC-HS&FW/2016

Dated : 12.09.2016

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 55 of the Dentist Act, 1948 (XVI of 1948), the State Government hereby makes the following rules namely:-

RULES

CHAPTER I - PRELIMINARY

Short title and commencement

1. (1) These rules may be called the Sikkim State Dental Council Rules, 2016.
- (2) They shall come into force on the date of their publication in the Official Gazette.

Definition

2. In these rules, unless the context otherwise requires:-
 - (a) "Act" means the Dentists Act, 1948 (XVI of 1948);
 - (b) "Council" means the Sikkim State Dental Council constituted under the section 21;
 - (c) "Executive Committee" means the Executive Committee constituted under sub-section (1) of section 29;
 - (d) "Form" means a Form appended to these rules;
 - (e) "Government" means the Government of Sikkim;
 - (f) "President" means the President, elected under sub-section (1) of section 25;
 - (g) "Registrar" means the Registrar, appointed under clause (a) of sub section (1) of section 28;
 - (h) "Register" means the Register of dentists prepared and maintained under the Act;

- (i) "Returning Officer" means the Returning Officer, appointed by the Government;
- (j) "Section" means section of the Act;

Office of the Council

- 3. The office of the Council shall be situated in Gangtok.

CHAPTER II - ELECTIONS UNDER SECTION 21 (a) AND (b)

Electorate for various constituencies

- 4. (1) For the purpose of elections under clause (a) of section 21 of the Act, Part A of the register of dentists prepared under section 31 of the Act as it stands on the day, which shall be thirty (30) days before the date fixed under clause (a) of rule 5 shall constitute the electoral roll.
- (2) For the purposes of elections under clause (b) of section 21 of the Act, Part B of the register of dentists prepared under section 31 of the Act, as it stands on the day which shall be 30 (thirty) days before the date fixed under clause (a) of rule 5 shall constitute the electoral roll.
- (3) For the purposes of elections under clause (d) of section 21 of the Act the members of the Sikkim Medical Council on the day, which shall be 30 (thirty) days before the date fixed under clause (a) of rule 5 shall constitute the electoral roll.

Fixation of dates for various stages of Election

- 5. The Returning Officer shall appoint and shall notify in the Sikkim Government Extra Ordinary Gazette and in such other manner as he thinks fit the date, time and place for:-
 - (a) the receipt of nomination papers and their scrutiny;
 - (b) the despatch of voting papers to the electors;
 - (c) the Poll; and
 - (d) the scrutiny and counting of votes.

Nomination of candidates

- 6. Every candidate for election shall be nominated by means of a nomination paper in Form I in Appendix I, which shall be supplied free of cost by the Returning Officer to any elector applying for the same.

Nomination of papers

- 7. (1) Every nomination paper shall be signed by two electors as proposer and seconder and sent by registered post or otherwise so as to reach the Returning Officer on or before the date fixed by him which shall not be less than 4 (four) weeks before the date appointed for the poll:

Provided that no elector shall sign more nomination papers than there are seats to be filled up:

Provided further that if more than the prescribed number of nomination papers are signed by the same elector, the prescribe number of nomination papers first received by the Returning

Officer, shall if otherwise are in order, be held to be valid and if more than the prescribed number of nomination papers signed by the same elector are received simultaneously by the Returning Officer, all such nomination papers shall be held to be invalid.

- (2) On receipt of each nomination paper, the Returning Officer shall forthwith endorse thereon the date and hour of receipt.

Rejection of nomination papers

8. Nomination papers which are not received by the Returning Officer before the date and the time appointed in that behalf shall be rejected.

Fees payable by candidates

9. (1) On or before the date appointed for the receipt of nomination papers, each candidate willing to stand for election shall pay to the Returning Officer, a fee of rupees five hundred in each and no candidate shall be deemed to be duly nominated unless such fee has been paid.
- (2) The fee so paid shall be credited to the Council and shall not in any circumstance be refundable.

Scrutiny of nomination papers

10. (1) On the date and at the time appointed by the Returning Officer for the scrutiny of nomination papers the candidates, the proposer and the seconder of each candidate may attend the Office of the Returning Officer who shall allow them to examine the nomination papers of all the candidates which have been received by him.
- (2) The Returning Officer shall examine the nomination papers and decide all questions which may arise as in the validity of any nomination and his decision thereon shall be final.

Withdrawal of candidature

11. Any candidate may withdraw his candidature by notice in writing signed by him and delivered to the Returning Officer not later than 21 (twenty one) clear days before the date appointed for the poll.
- A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be re-nominated as candidate for the same election.

Poll

12. (1) If the number of candidates who stand duly nominated is equal to the number of members to be elected the Returning Officer shall after the expiry of the time for withdrawal of candidature declare such candidate or candidates to be duly elected.
- (2) If the number of such candidates is lower than the number of members to be elected the Returning Officer shall after the expiry of the time for withdrawal of candidature declare such candidate if any or all such candidates to be duly elected.
- (3) If the number of such candidates exceeds the number of members to be elected the Returning Officer shall forthwith notify their names and addresses on the Notice Board in the office of the Council and shall further cause their names to be entered in alphabetical order in the voting papers in Form III in Appendix I.

- (4) If a poll is found necessary, the Returning Officer shall two weeks before the date appointed for poll, send by registered post to each elector a letter of intimation in Form IV in Appendix I together with mandate declaration paper in Form II, a voting paper in Form III containing the names of the candidates in alphabetical order and bearing the Returning Officer's initials or facsimile signature, a voting paper cover addressed to him (Returning Officer), and an outer cover also addressed to him.
- (5) An elector who has not received the voting and other connected papers, sent to him by post, or who has lost them or in whose case the papers before their return to the Returning Officer have inadvertently been spoiled, may transmit a declaration to that effect, signed by himself and require Returning Officer to send him fresh papers and if the papers have been spoilt, the spoiled papers shall be returned to the Returning Officer, who shall cancel them on receipt. In every case when fresh papers are issued, a mark shall be placed against the number relating to the elector's name in the electoral roll to denote that fresh papers have been issued.
- (6) No election shall be invalidated by reason of an elector not receiving his voting paper, provided that a voting paper has been issued to him in accordance with these rules.

Rejection of voting paper

13. (1) Voting paper cover shall be rejected by the Returning Officer, if;
 - (a) the outer envelope contains no declaration paper outside the voting paper cover; or
 - (b) the declaration paper is not the one sent by the Returning Officer; or
 - (c) the declaration paper is not signed by the elector; or
 - (d) the voting paper is placed outside the voting paper cover; or
 - (e) more than one declaration paper or voting paper cover have been enclosed in one and the same outer envelope.

In each case of rejection, the word 'Rejected' shall be endorsed on the voting paper cover and the declaration paper.

- (2) After satisfying himself that the electors have affixed their signature to the declaration papers, the Returning Officer shall keep all the declaration papers in safe custody, pending disposal under rule 19.

Scrutiny and counting of votes

14. (1) The Returning Officer shall attend for the purposes of scrutiny and counting of the votes, on the date and the time and place appointed by him in this behalf; provided the date so appointed shall not be later than 3 (three) days from the date fixed for the poll.

- (2) All the voting paper covers, other than those rejected under rule 13, shall be opened and the voting papers taken out and mixed together. The voting papers shall then be scrutinised and the valid votes counted.
- (3) A voting paper shall be invalid, if;
 - (a) it does not bear the Returning Officer's initials;
 - (b) a voter signs his name or writes a word or makes any mark on it, by which it becomes recognisable as his voting papers; or
 - (c) no vote is recorded thereon; or
 - (d) the number of votes, recorded therein exceeds the number of vacancies to be filled; or
 - (e) it is void for uncertainty of one or more votes exercised:

Provided that where more than one vote can be given on the same voting paper, if one of the marks is so placed as to render it doubtful to which candidate it is intended to apply, the vote concerned, but not the whole voting paper shall be invalid on that account.

- (4) Any candidate may be present in person or may send a representative, duly authorised by him in writing to watch the process of counting.
- (5) The Returning Officer shall show the voting papers, if requested to do so to the candidates or their authorised representative, at the time of scrutiny and counting of votes.
- (6) If any objection is made to any voting paper on the ground that it does not comply with the specified requirements or to any rejection by the Returning Officer of a voting paper it shall be decided at once by the Returning Officer whose decision shall be final.
- (7) The Returning Officer shall nominate such number of scrutinisers not exceeding 4 (four) as he thinks fit. In the case of elections, held for the first time under the Act, the scrutinizers shall be Gazetted Officers, of the State Government and in the case of other elections, members of the Council.

Declaration of results

15. (1) When the counting of the votes has been completed. The Returning Officer shall forthwith declare the candidate or candidates to whom the largest number of valid votes has been given to be due elected according to the number of vacancies to be filled in and shall forthwith inform each successful candidate by letter of his being elected to the Council.
- (2) If there is an equality of votes between any two or more candidates, the Returning Officer, shall after notice to the candidates concerned decide by drawing lots which candidate or candidates he shall declare to have been elected.

**Retention
of voting
papers**

16. Voting papers shall be retained for 6 (six) months upon the completion of the counting and after the result has been declared. The Returning Officer shall seal up the voting papers and all other documents relating to the election and retain the same for a period of 6 (six) months. The Council shall not destroy or cause to be destroyed the records even after 6 (six) months without the previous concurrence of the Government.

**Publication
of results**

17. (1) The Returning Officer shall publish the result and date of the election in the Sikkim Government Extraordinary Gazette in the case of first election to the Council and also send a report to the Government about the election.
- (2) In the case of election other than those held for the first time under the Act, the Returning Officer shall inform the President of the result and date of the election, who shall then publish the same in the Sikkim Government Extraordinary Gazette. The Returning Officer shall also send a report to the Government about the election.

General

18. (1) The State Government may, on its own motion, or on an objection received, in writing, in this behalf, from any candidate or candidates declare the election in whole or in part to be void on account of any corrupt practice, or any other sufficient cause and may call on the electorate to make a fresh election, in whole or in part as the situation may demand. The decision of the Government under the rule shall be final.
- (2) The decision of the State Government on any question that may arise, as to the intention, construction or application of these rules shall be final.

**Election under
section 21(d)**

19. (1) On receipt of the requisition from the President of the State Dental Council for election of a member by the Medical Council of the State under clause (d) of section 21, the election shall be conducted at a meeting of the Medical Council in accordance with the provisions hereinafter appearing.
- (2) Election shall be by votes which shall be taken by show of hands or by division or by ballot, as the President of the State Medical Council may direct:
- Provided that votes shall be taken by ballot if three members so desire and ask for it:
- Provided further that if voting has been by show of hands a division shall be taken if a member asks for it.
- (3) The President of the State Medical Council shall determine the method of taking votes by division.
- (4) The result of the votes shall be announced by the President of the State Medical Council.

- (5) in the event of equality of votes the President of the State Medical Council, shall have a second or casting vote.

CHAPTER III - ELECTION OF PRESIDENT AND VICE - PRESIDENT AND THEIR POWERS AND DUTIES

Election of the President and Vice-President

20. The President and the Vice-President of the Council shall be elected at a meeting of the Council. The members shall first elect a Chairman to conduct the business who shall then call for nominations from among the members for the post of President and the Vice-President; the Chairman shall conduct the election by secret ballot. In the case of a tie in either case, the final election shall be decided by drawing of lots. The election of the President shall be held first and thereafter that of the Vice- President.

Powers and duties of the President and in his absent of the Vice-President

21. (1) The President shall exercise such powers and perform such duties as are contained in the provisions of the Act and the rules made thereafter. He shall do such acts as he considers necessary in the furtherance of the objects for which the Council is established.
- (2) If the office of the President falls vacant or the President for any reason is unable to exercise the powers or perform the duties of the office, the Vice-President will act in his place and shall exercise the powers and perform the duties of the President.

CHAPTER IV - PART I - MEETING OF THE COUNCIL

Time and place of, and preparation of Business for meetings of the Council

22. (1) The Council may ordinarily meet twice a year for the transaction of business at times and places to be fixed by the President:
Provided that the President;
- (i) may call a special meeting at any time to deal with any urgent matter requiring the attention of the Council;
- (ii) may call a special meeting if they received a requisition signed by not less than 2/ 3 members and stating the purpose for which they desire the meeting to be called.
- (2) The first meeting of the Council held in any calendaryear shall be the Annual Meeting of the Council for that year.
- (3) At meetings referred to in the proviso to sub-rule (1), only the subject or subjects for the consideration of which the meeting has been called shall be discussed.
- (4) Notice of every meeting other than a special meeting called under the proviso to sub-rule (1) or under the first proviso to item (ii) of sub-rule (6) shall be despatched the Registrar to each by member of the Council not less than 40 (forty) days before the date of the meeting.
- (5) (a) The Registrar shall issue with the notice of the meeting a preliminary Agenda Paper showing the business to be

brought before the meeting, the terms of all motions to be moved of which notice in writing has previously reached him and the names of the movers.

- (b) A member, who wishes to move any motion not included in the preliminary Agenda Paper or an amendment to any item so included, shall give notice thereof to the Registrar not less than 25 (twenty five) clear days before the date fixed for the meeting.
- (c) The Registrar shall, not less than 15 (fifteen) clear days before the date fixed for the meeting, and in the case of a special meeting, which the notice of the meeting, issue a complete Agenda Paper showing the business to be brought before the meeting.
- (d) A member who wishes to move an amendment to any item included in the complete Agenda Paper, but not included in the preliminary Agenda Paper shall give notice thereof to the Registrar not less than 3 (three) clear days before the date fixed for meeting.
- (e) The Registrar shall, if time permits cause a list of all amendments of which notice has been given under clause (d) of sub-rule (5) to be made available for the use of every member:

Provided that the President may, if the Council agrees, allow a motion to be discussed at a meeting notwithstanding the fact that notice was received too late to admit of compliance with this rule:

Provided further that nothing in this rule shall operate to prevent the reference by the Executive Committee of any matter to the Council at a meeting following immediately or too soon after the meeting of the Executive Committee to permit the notice required under this rule.

- (6) (a) A motion shall not be admissible;
 - (i) if the matter to which it relates is not within the scope of the Council's functions;
 - (ii) if it raises substantially the same question as a motion or amendment which has been moved or withdrawn with the leave of the Council within 1(one) year of the date of the meeting at which it is designed to be moved:

Provided that such a motion may be admitted at a special meeting of the Council convened for the purpose on the requisition of not less than two third of the members of the Council;

Provided further that nothing in these rules shall operate to prohibit the further discussion of any matter referred to the Council by the State Government in the exercise of any of its functions under the Act;

- (iii) unless it is clearly and precisely expressed and raises substantially one definite issue;
- (iv) if it contains inferences, ironical expressions of defamatory statements.
- (b) The President shall disallow any motion which in his opinion is admissible under clause (a) of sub-rule (6):

PART II - CONDUCT OF BUSINESS AT MEETING OF THE COUNCIL

Chairman of the meeting

23. (1) Every meeting of the Council shall be presided over by the President, or if he is absent, by the Vice - President, or, if both the President and the Vice - President are absent, by a Chairman to be elected by the members present, from among themselves.
- (2) All references in this part to the President shall be read as referring to the person for the time being presiding over a meeting.
- (3) Seven members of the Council present in person shall constitute quorum:

Provided that in the case of a meeting adjourned for want of quorum, no quorum shall be required.

Quorum of the meeting

24. If, at the time appointed for a meeting quorum is not present, the meeting shall not commence until a quorum be present, and if a quorum is not present, on the expiration of 20 (twenty) minutes from the time appointed for the meeting or during the course of any meeting, the meeting shall stand adjourned to such future time and date as the President may appoint.

Determination of a matter by the Council

25. (1) Every matter to be determined by the Council shall be determined on a motion moved by a member and put to the Council by the President.
- (2) Votes shall be taken by show of hands or by division or by ballot, as the President may direct:
- Provided that votes shall be taken by ballot if 3 (three) members so desire and ask for:
- Provided further that the voting has been by show of hands, a division shall be taken if a member asks for it.
- (3) The President shall determine the methods of taking votes by division.
- (4) The result of the vote shall be announced by the President and shall not be challenged.
- (5) In the event of an equality of votes the President shall have a second or a casting vote.

Powers of the President in respect of movements of the motion

26. (1) When motions identical in purport stand at the names of two or more members the President shall decide whose motion shall be moved and the other motion or motions shall thereupon be deemed to be withdrawn.
- (2) Every motion or amendment shall be seconded and if not seconded shall be deemed to have been withdrawn.
- (3) When a motion has been seconded, it shall be read out by the President.
- (4) When a motion has been thus read out, it may be discussed as a question to be resolved either in the affirmative or in the negative or any member may subject to sub-rule (1) and sub-rule (4) of rule 27 move an amendment to the motion;

Provided that the President shall not allow an amendment to be moved which if it had been a substantive motion would have been inadmissible under sub-rule (6) of rule 22.

Amendment of the motion

27. (1) An amendment must be relevant to and within the scope of the motion which it is proposed.
- (2) An amendment may not be moved which has merely the effect of a negative vote.
- (3) The President may refuse to put an amendment which is in his opinion frivolous.
- (4) A motion may be amended by:-
- (a) the omission, insertion or addition of words, or
- (b) the substitution of words for any of the original words.

Motion or amendment under debate

28. (1) When a motion or amendment is under debate no proposal with reference thereto shall be made other than:-
- (a) an amendment of the motion or of the amendment as the case may be as proposed in sub-rule (2) of rule 26;
- (b) a motion for the adjournment of the debate on the motion or amendment either to a specified date and hour or sine die;
- (c) a motion for the closure, namely a motion that the question be now put;
- (d) a motion that the Council instead of proceeding to deal with the motion to pass to the next item on the programme of business;

Provided that no such motion or amendment shall be moved so as to interrupt a speech:

Provided further that no motion of the nature referred to in clause (b), (c) and (d) shall be moved or seconded by a member who has already spoken on question than before the meeting:

Provided also that a motion referred to in sub-clause (c) and (d) above shall be moved without a speech.

- (2) It shall be in the discretion of the President to put or refuse to put the Council a proposal of the nature referred to in clause (b) of sub-rule (1).
- (3) Unless the President is of opinion that a motion closure is an abuse of the right of a reasonable debate, he shall forthwith put a motion that the question be now put and if that motion is carried the substantive motion or amendment under debate shall be put forthwith:

Provided that the President may allow the mover of the substantive motion to exercise his right of reply before the substantive motion under debate is put.

Proposal to adjourn the Council

29. Except that it shall not intercept a speech, a proposal to adjourn the Council to a specified date and hour may be made at any time, but it shall be in the discretion of the President to put or refuse to put such a proposal to the Council.

Withdrawal of motion or amendment

30. A motion or an amendment which has been moved and seconded shall not be withdrawn save with the leave of the Council which shall not be granted, if any member dissents from the granting of such leave.

Discussion on the motion under the direction of the President

31. When a motion has been moved and seconded, members other than the mover and the seconder may speak on the motion in such orders as the President may direct:

Provided that the seconder of a motion or of an amendment may, with the permission of the President, confine himself to seconding the motion or amendment as the case may be and speak thereon at any subsequent stage of the debate.

Objections suggestions or elucidation on a point by the President

32. During the meeting, the President, may at any time, make any objections or suggestions or give information to elucidate any point to the members in the discussion.

No person to speak more than once

33. (1) The mover of an original motion, and if permitted by the President, the mover of any amendment shall be entitled to a right of final reply, no other member shall speak more than once in any debate except, with the permission of the President, for the purpose of making a personal explanation or of putting a question to the member than addressing the Council;

Provided that any member at any state of the debate may rise to a point of order, but no speech shall be allowed on that point:

Provided further that a member who has spoken on a motion may speak again on an amendment to the motion subsequently moved.

- (2) No member shall, save with the permission of the President speak for more than 5 (five) minutes:

Provided that the mover of a motion when moving the same, may speak for 10 (ten) minutes.

- (3) A speech shall be strictly confined to the subject matter of the motion or amendment on which it is made.
- (4) Any motion or amendment standing in the name of a member who is absent from the meeting or unwilling to move it, may be brought forward by a another member with the permission of the President.

**Observation by
a member**

34. (1) A member desiring to make any observations on the matter before the Council shall speak from his place, shall rise when he speaks, and shall address the President.
- (2) If at any time the President rises, any member speaking shall immediately resume his seat.
- (3) No member shall be heard except upon the business before the Council.

**Amendment
in the terms
of original
motion**

35. (1) When an amendment to any motion is moved and seconded or when two or more such amendments are moved and seconded, the President, shall, before taking the votes of the Council thereon, state or read to the Council the terms of the original motion and of the amendment or amendments proposed.
- (2) An amendment in a motion shall be put to the vote first.
- (3) If there be more than one amendment to a motion the President decide in what order they shall be taken.

**Division of
motion at the
discretion of
the President**

36. When any motion involving several points has been discussed, it shall be in the discretion of the President to divide the motion, and put each or any point separately to the vote as he may think fit.

**Procedure for
adjournment of
meetings**

37. (1) The President may, at any time, adjourn any meeting to any future day or to any hour of the same day.
- (2) Whenever a meeting is adjourned to future day, the Registrar shall, if possible, send notice of the adjournment to every member who was not present at such meeting.
- (3) When a meeting has been adjourned to a future day the President may change such day to any other day and the Registrar shall send written notice of the change to each member.

- (4) At a meeting adjourned to a future day, any motion standing over from the previous day shall, unless the President otherwise directs, take precedence over other matter on the Agenda.
- (5) Either at the beginning of the meeting or after the conclusion of the debate on a particular item during the meeting, the President or a member may suggest a change in the order of business on the Agenda, and if the Council agrees, such a change shall be made.
- (6) No matter which had not been on the Agenda of the original meeting shall be discussed at an adjourned meeting.
- (7) The same quorum shall be necessary for an adjourned meeting for an ordinary meeting, except in such cases as provided for in sub-rule (3) of rule 23.

Decision of all points of order by the President

- 38. (1) The President shall decide all points of order which may arise, and his decision shall be final.
- (2) If any question arises with reference to procedure on respect of matter for which these rules make no provision, the President shall decide the same and his decision shall be final.

Representatives of Press and visitors

- 39. Four representatives of the Press and other visitors, not exceeding 4 (four) at a time may be admitted, at the discretion of the President, the meetings on production of permits from the Registrar. The Press representatives shall be required to obtain the previous approval of the Registrar for the publication of their report of the proceedings. The President at any time may hold the meetings in camera in which case all visitors including Press representatives will be required to withdraw.

PART III - MINUTES OF THE COUNCIL

Preservation of the minutes of the meetings

- 40. The proceedings of the meetings of the Council shall be preserved in the form of printed minutes which shall be authenticated, after confirmation by the signature of the President.

Submission of the minutes of the meetings to the President

- 41. A copy of the minutes of each meeting shall be submitted to the President within 10 (ten) days of the meeting and attested by him and they shall then be sent to each member within 30 (thirty) days of the meeting.

Contents of the meetings

- 42. The minutes of each meeting shall contain such motions and amendments as have been moved and adopted, or negative and with the names of the mover and the seconder, but without any comment and without any record of observations made by any member at the meeting.

Time limit for entertaining the objections about correctness of minutes

- 43. If any objection regarding the correctness of the minutes is received within 30 (thirty) days of the despatch of the minutes by the Registrar, such objection together with the minutes as recorded and attested shall be put before the next meeting of the Council for confirmation. At this meeting no question shall be raised except as to the correctness of the records of the last meeting.

CHAPTER V - EXECUTIVE COMMITTEE - FUNCTIONS OF MEETINGS AND QUORUM ETC.

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| Constitution of the Executive Committee | 44. (1) Besides the President and the Vice-President, the Executive-Committee shall consist of five members elected by the members of the Council at the first meeting of the Council by secret ballot.

(2) The meeting of the Executive Committee shall be governed as far as may be by the rules applicable to the meeting of the Council.

(3) If at the time appointed for a meeting a quorum is not present the meeting shall not commence until a quorum is present, and if a quorum is not present on the expiration of 30 (thirty) minutes from the time appointed for the meeting or during the course of any meeting, the meeting shall stand adjourned to such future date and time as the President may appoint. |
| Election of the Chairman in absence of President and Vice-President | 45. If both the President and the Vice-President are absent, the members present shall elect one of their members to act as Chairman. Three members of the Executive Committee shall form a quorum and, at a meeting adjourned for want of quorum, no quorum shall be necessary. |
| Invitation of a member by the Executive Committee | 46. The Executive Committee may invite a member of the Council, not being a member of the Executive Committee, to attend any meeting of the Executive Committee. Any member so invited shall be free to participate in the discussions in the Executive Committee but shall not function as a member of the Committee whether by way of voting or otherwise. |
| Determination of future date and time for the meetings | 47. (1) Within one week before the meeting of the Council the Executive Committee shall ordinarily meet and also at such other times and places as the President may determine.

(2) Notice and Agenda of such meetings of the Executive Committee shall ordinarily be given 15 (fifteen) days before the meeting. |
| Circulation of report of the meeting among members | 48. The Executive Committee shall consider and report on any subjects referred to it by the Council or by the President and may with the sanction of the President direct the printing and circulation of such report among members of the Council. |
| Time limit for submission of minutes to the President | 49. A copy of the minutes of each meeting shall be submitted to the President within 10 (ten) days of the meeting; and after having been attested by him shall be sent to each member within 20 (twenty) days of the meeting. If no objection to their correctness is received within 20 (twenty) days of their despatch any decision therein shall be given effect to. The minutes shall be sent to the members of the Council after confirmation by the Executive Committee.

Provided that the President may direct that action be taken on a decision of the Executive Committee before the expiry of the period of 20 (twenty) days mentioned above. |

Direction by the President about any business to discussed

50. (1) The President shall direct any business, which it may be necessary for the Council or the Executive Committee to discuss and decide, to be enacted by circulation among the members of the Council or the Executive Committee.

Provided that if ten members of the Council or three members of the Executive Committee, as the case may be, desire that any particular subject shall be decided at a meeting instead of by circulation, it shall be placed before a meeting of the Council or the Executive Committee.

- (2) Any resolution or report which is circulated on the discretion of the President and approved by a majority of the members signing shall be as binding as a resolution adopted in a meeting of the Council or the Executive Committee.

Powers and duties of the Executive Committee

51. The Executive Committee shall exercise such powers and perform such function of the Council as the Council may, from time to time direct.

CHAPTER VI - REGISTRATION

Maintenance of register for the dentists

52. (1) The register of Dentists shall be maintained as required under sub section (3) of the section 31 of the Dentist Act 1948.
- (2) The names of the Dentists shall be entered in the register in the order in which the applications for registration are admitted and sufficient space shall be left for future additions or alterations in the qualifications and address of each entry.
- (3) Each page of the register shall be verified by the Registrar's signature.
- (4) On the registration of every dentist under the Act and on each renewal of such registration the Registrar shall grant such dentist a certificate in the prescribed Form III.
- (5) In the event of certificate issued under sub-rule (4) above being lost or accidentally destroyed the holder may at any time during which such certificate is in force apply to the Registrar for a fresh certificate and the Registrar may, if he thinks fit after satisfactory proof as to the identity of the application grant such certificate on payment of a fee of rupees five hundred. A Certificate issued under this sub-rule shall be marked as "duplicate".

Applications for registration

53. Every person entitled under section 34 to be registered under the Act and desiring to have himself so registered shall apply to the Registrar in Form I in appendix II properly filled in and signed. Every such application shall be accompanied by the fee prescribed in that behalf in rule 61.

Entry of name after direction of the Government

54. (1) After the direction is issued by the State Government under sub-section (1) of section 39, the name of every person registered under the Act shall subject to the provisions contained in the Act as to the removal of names from the register, remain entered therein and the registration of such person shall hold good for the period ending on the 31st day of

the December of the year following the year in which his name be first entered in the register.

(2) Any person desiring to continue his registration shall submit to the Registrar an application before 1st April of the year to which it relate and shall forward with such application the fee prescribed in that behalf in rule 61 and the certificate issued to him under rule 52.

(3) When a renewal fee is not paid before the due date, the Registrar shall remove the name of the defaulter from the register; Provided that a name so removed may be restored to the register under sub-section (2) of section 39 on payment of the renewal fee and additional fee as penalty as prescribed in that behalf in rule 61.

Application for registration of additional qualification Issue of certified copies	55. An application for registration of an additional qualification shall be made in Form IV in Appendix II and shall be accompanied by fee prescribed in this behalf in rule 61. 56. Certified copies of entries in the register in the Form No VI in Appendix II may be issued on payment of the fee prescribed in that behalf in rule 61.
Registering a change of name	57. Fees prescribed in rule 61 shall be levied for registering a change of name in the State Dentists register.
Application for the renewal of name from the register	58. (1) A registered dentist may himself make an application for the removal of his name from the register. The application shall be accompanied by a declaration made by the applicant, that he is not aware of any proceedings or reasons for the removal of his name from the register or in depriving him of a licence entitling him to be registered. (2) Every such application shall first be referred by the Registrar to the authority who granted the applicant his qualification or qualifications to ascertain whether there is any valid objection to such removal. (3) The Registrar shall bring such application before the next meeting of the State Council or the Executive Committee will consider the application and the Chairman may put the question for the views of the State Council or the Executive Committee whether the applicant's name may be removed from the Dentists Register. (4) If the State Council or the Executive Committee agrees for such removal, the Registrar shall remove the applicant's name from the register and send notice of such removal to the applicant by a registered letter.
Supply of copy of Dentists' Register	59. Printed copies of the Dentists Register shall be made available to any person who may apply for it to the Registrar and for the supply of each printed copy, a fee of rupees five hundred shall be charged from the applicant.
Entry of certain publication in the Register	60. There shall be made every year an entry in the copy of the printed dentists register maintained under section 45, an enumeration of the following publications:-

- (1) the total number of names of persons entered in register when it was printed.
- (2) the number of persons restored in the register stating the section of the Act under which the names have been removed.
- (3) the number of new persons registered during the year.
- (4) the number of persons restored in the register.
- (5) the number of persons removed by death.

Fees

61. The following fees shall be levied by the Council, namely:-

- | | | |
|-----|--|--|
| 1. | For provisional registration | 1000.00 |
| 2. | For permanent registration | 2000.00 |
| 3. | For Annual renewal | 1000.00 |
| 4. | For restoration to the register after removal for non-payment of the annual retention fee for the year | 2000.00 |
| 5. | For issue of NOC | 1000.00 |
| 6. | For registration of a change of name | 1000.00 |
| 7. | For every copy of the printed register under section 45 | 1000.00 |
| 8. | For every certified copy of an entry in the register | 1000.00 |
| 9. | For the grant of a duplicate certificate | as applicable for relevant certificate |
| 10. | For issue of good standing certificate | 2000.00 |
| 11. | Registration of additional qualification (each) | 1000.00 |
| 12. | For any other type of certificate not covered above | 1000.00 |

The fees are subject to review by the Government from time to time, on the recommendation of the Council. The Council may also levy appropriate charges for the supply of application forms and other documents to compensate for the expenses incurred in stationery and printing.

CHAPTER VII - REGISTRAR, CLERKS AND OFFICE HOURS

Appointment and retirement of Registrar

62. (1) The Registrar shall be a full time salaried officer of the Council and shall, in the first instance, be appointed on probation for a period of 1 (one) year.
- (2) Registrar should ordinarily be a retired Dental or Medical Officer of the State Government. He may continue up to the age of 63 (sixty three) years, if physically and mentally fit. Unless determined otherwise by the Council the service of the Registrar may be terminated by a 3 (three) months notice on either side.
- (3) The President is authorised to accept on behalf of the Council, the resignation of the Registrar or such notice being given. The matter shall be brought to the notice of the Council either by circulation or at the next meeting.

Duties of the Registrar

63. (1) The Registrar shall perform such duties as have been given in the Act and the rules. He shall also be responsible for the safety of the property of the Council and the control and management of the office, accounts and correspondence, and shall see that the office staff attend punctually, and generally fulfil all such duties as may be required of him by the Council for the purposes of the Act. He shall attend and

take notes of the proceedings of meetings of the Council and Executive Committee and any other Committee.

- (2) The Registrar shall not less than 90 (ninety) days before the expiration of the term of any existing appointment draw the attention of the President to the approaching vacancy, and the latter shall forthwith report it to the State Government in order that a new appointment may be made to take effect from the day on which the existing appointment will expire.
- (3) The Registrar shall also act as the Treasurer of the Council. The security to be furnished by the Treasurer shall be rupees one thousand. This security shall be furnished in the form of fidelity bonds.

Registrar shall be ex-officio	64. The Registrar shall be the ex-officio Secretary of the Executive Committee, and any other Committees set up by the Council. He shall participate in the discussions but shall not function as a member of the committees whether by way of voting or otherwise.
Retirement age for Class IV staff	65. Members of the ministerial and Class IV staff shall retire on attaining the age of 58 (fifty eight) years: Provided that the Executive Committee may at its discretion extend the tenure of a member of the Ministerial or Class IV staff.
Powers and duties of the staff	66. The powers and duties of the staff will be such as may be laid down from time to time in the Standing Orders as framed for the purposes by the Council.
General	67. In matters not provided in these rules, the Registrar and members of the Ministerial and Class IV staff shall be appointed on contract basis by Executive Committee.

CHAPTER VIII

Opening of account	68. A saving bank account shall be opened for and on behalf of the Council in any nationalised bank and all the funds of the Council shall be deposited in the Bank.
Deposit of moneys	69. The Registrar shall receive all moneys payable to the Council and issue receipts for the same. He shall deposit such moneys in the Bank of the credit of the Council and he shall at no time keep with him a sum of exceeding rupees five hundred.
Statement of income and expenditure	70. The Registrar shall in the month of July each year prepare a statement of income and expenditure of the preceding financial year and draw the attention of the Council to such matters as deserve notice.
Preparation of Annual accounts Budget	71. The annual accounts shall be prepared by the Registrar. The budget estimates of the council for every year commencing from the first day of April shall be laid before the Council at its meeting sufficiently in advance of the commencement of the year or circulated to the members of the Council in advance for being considered and approved at a meeting of the Council. Such estimate shall provide for the liabilities of the Council for effectually carrying out its objects. It shall include on its revenue side, besides

all revenue ordinarily anticipated, such grants as the Government may be pleased to allot and all fees received from registration or other sources.

- | | |
|---|--|
| Consideration of Budget | 72. The Council shall consider the estimate submitted and shall sanction the same either without alteration or subject to such alteration as it deems fit. |
| Payment of bills | 73. A bill or other voucher presented as a claim for money shall be received and examined by the Registrar, if the claim be for a sum not exceeding rupees five hundred and the bill or voucher is in order, he shall pay it. If the claim be for a sum exceeding rupees five hundred but not exceeding rupees ten thousand, payment shall be made by the Registrar after obtaining previous sanction of the President. If the claim is above rupees ten thousand, payment shall not be made until it has been examined and passed by the Council. |
| Cash book | 74. The Registrar shall immediately enter in the general cash book all moneys received or spent by the Council. |
| Signing Cheques | 75. All cheques shall be signed both by the Registrar and the President. |
| Audit | 76. The accounts of the Council shall be audited by such officers as the Government may direct. |
| Maintenance of account registers | 77. The following account registers of the Council shall be maintained:-
<ul style="list-style-type: none">(1) Cash Book.(2) Classified Abstract.(3) Register of Investments.(4) Register of stock and furniture.(5) Register of stock of cheque books and receipt books.(6) Register of leave and pension or provident fund contribution.(7) Register of permanent advances.(8) Annual Accounts. |

CHAPTER IX - APPEAL TO STATE COUNCIL

- | | |
|---------------|--|
| Appeal | 78. (1) An appeal to the State Council against a refusal by the Registrar to register the name or any title or qualification of any person on the register or dentists shall be in writing and shall state the grounds on which registrations declined, the names of the qualifications and the dates on which and the authorities from whom they were received.

(2) The date on which the appeal is to be taken by the State Council shall be intimated to the applicant. The appellant shall also be allowed, if he chooses to represent his case before the State Council either by himself or by an advocate. |
|---------------|--|

(DR. KUMAR BHANDARI), MD, DM
Director General cum Secretary
Department of Health Care, HS & FW
Government of Sikkim

APPENDIX-I

FORM I
(See rule 6)
NOMINATION PAPER

Election under clause (a)/(b) of section 21 of the Dentists Act, 1948.

Name of Candidate.....

Father's Name.....

Age.....

Nature of qualification under section 33.....

Registration Certificate No.....

Serial No. in the Electoral Roll.....

Address.....

Name of Proposer.....Name of Seconder.....

Registration Certificate No.....Registration Certificate No.....

Serial No. in the electoral roll.....Serial No. in the Electoral Roll.....

Qualifications.....Qualifications.....

Address.....Address.....

Signature.....Signature.....

Declaration by the candidate.

I hereby declare that I agree to this nomination.

Signature of the candidate.

This nomination paper was received by me at.....hour on the (date).....

Returning Officer

APPENDIX-I

FORM II

[See rule 12 (4)]

DECLARATION PAPER

Elections to the Sikkim State Dental Council under clause (a)/(b) of section 21 of the Dentists Act, 1948.

Serial Number.....

Elector's Name.....

Serial number on the Electoral Roll.....

ELECTOR'S DECLARATION

I(Name in full and designation if any) declare that I am and elector for the election of a member to the Sikkim State Dental Council by the electorate under clause (a)/(b) of section 21 of the Dentists Act, 1948 and that I have signed no other voting paper at this election.

Station.....

Signature.....

Date.....

Address.....

FORM III

VOTING PAPER

Serial number.....	Name of candidate.....	Vote.....
duly nominated.....		

1. The number of vacancies to be filled is.....
2. Place a cross-mark (thus X) against the name of the candidate (or such of the candidates) for whom you wish to vote.
3. A voting paper will be invalid if-
 - (a) it does not bear the Returning Officer's initial or facsimile signature, or
 - (b) a voter signs his name or writes a word or makes any mark on it, by which it becomes recognisable as his voting paper, or
 - (c) no vote is recorded thereon, or
 - (d) the number of votes recorded thereon exceeds the number of vacancies to be filled or
 - (e) it is void for uncertainty of one or more votes exercised.

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APPENDIX-I

FORM IV

(See sub rule (4) of rule 12)

LETTER OF INTIMATION

OFFICE OF THE SIKKIM STATE DENTAL COUNCIL,

GANGTOK, DATED.....

Sir/Madam,

The persons, whose names are printed on the voting paper sent herewith, have been nominated as candidates for election to the Sikkim Dental Council. Should you desire to vote at the election, I request that you will-

1. (a) fill up and sign the declaration paper,
(a) mark your vote in the column provided for the purpose in the voting paper as directed on the voting paper,
(b) enclose the voting paper in the smaller cover and the declaration paper in the outer envelope addressed to me and return the same to me by registered post so as to reach me not later than 5 p.m. on thedate of.
2. The voting paper will be rejected, if-
 - (a) the outer envelope enclosing the voting paper cover is not sent by registered post or received later than the hour fixed for the closing of the poll; or
 - (b) the outer envelope contains no declaration paper outside the smaller cover; or
 - (c) the voting paper is placed outside the voting paper cover; or
 - (d) the declaration paper is not the one sent by the returning Officer to the voter; or
 - (e) more than one declaration paper or voting paper cover have been enclosed in one and the same outer envelope; or
 - (f) the declaration is not signed by the elector; or
 - (g) the voting paper is invalid.
3. A voting paper will be invalid, if-
 - (i) it does not bear the Returning Officer's initials or facsimile signature; or
 - (ii) a voter signs his name, or writes any word or makes any mark by which it becomes recognisable as his voting paper; or
 - (iii) no vote is recorded thereon; or
 - (iv) the number of votes recorded thereon exceeds the number of vacancies to be filled, or
 - (v) it is void for uncertainty of one or more votes exercised:

Provided that where more than one vote can be given on the same voting paper if one of the mark is so placed as to render it doubtful to which candidate it is intended to apply the vote concerned, but not the whole voting paper shall be invalid on that account.

4. If a voter inadvertently spoils a voting paper, he can return it to the Returning Officer who will, if satisfied on such inadvertence issue to him another voting paper.
5. The scrutiny and counting of voting will begin.....on (date) at(hour)
6. No person shall be present at the scrutiny and counting except the Returning Officer, such other persons as he may appoint to assist him, the candidates or their duly authorised representatives.

.....

(Returning Officer)

APPENDIX -ii

FORM I
(See rule 53)

Form of application for registration of dentists under section 34 of the Dentists Act, 1948 (XVI of 1948)

To,

The Registrar,
Sikkim State Dental Council,
Gangtok.

Sir,

I request you to enter my name, address and qualifications as stated below in part A/B of the register of dentists for the State of Sikkim.

Registration fee of Rupees five hundred only is sent by crossed postal order.

Particulars about myself are furnished below:

Name in full (block letters only).....

Father's name.....

Place of birth, date and year.....

Nationality (kindly give information in details).....

Whether Citizen of India by domicile/birth.....

Whether subject of a foreign Government (state the country).....

Residential address.....

Professional address.....

Number of years in practice.....

Employment, if any.....

Particulars of the Qualifications

Description of qualifications of which registration is desired.

Name of the University or Faculty or Examining or Licensing Body with
full address.

Date of attaining the qualification.

Institution through which appeared.

Declaration

I.....(Applicant) hereby declare that the statements made above are correct. I further declare that I shall maintain the dignity and ethical standard of the profession in my practice as a dentist.

I undertake that I shall intimate to the Registrar any change of my address or place of practice.

The degree, diploma or certificates of my qualification is submitted herewith, it may be returned as soon as done with.

Yours faithfully,

.....
(Signature of applicant)

Address:

Date:

Instructions

1. All particulars given above must be filled in by the applicant himself.
2. All particulars should be in neat legible hand.
3. Registration fees should be sent only by a crossed postal order payable to the Registrar, Sikkim State Dental Council at Gangtok, General Post Office.
4. Candidates should note that their names entered in the application must exactly correspond with their names in the University or other Examinations as the case may be.
5. Please give below a specimen of your signature as used by you on certificates.
6. All applicants for registration in Part B of the Register must get their signatures attested by a first class magistrate.

APPENDIX-II

FORM II

[See rule 52 (1)]

Form of the register of dentists, part a/b

1. Serial No.....
2. Names in full.....
3. Father's name.....
4. Date of birth.....
5. Nationality.....
6. Residential address.....
7. Date of first admission to the Register.....
8. Qualification for registration.....
9. Date on which degree or diploma in dentistry, if any, was obtained and the authority which conferred it.....
10. Professional address.....
11. Employment, if any.....
12. Date of renewal of registration.....
13. Remarks (NOTE- Removal or Restoration of name with dates).....

APPENDIX-II

FORM III

[See rule 52(4)]

CERTIFICATE OF REGISTRATION UNDER DENTISTS ACT.

1948, (XVI of 1948)

This is to certify that the person named below has been registered as a dentist in Part A/B of the State Register under the provisions of the Dentists Act, 1948 (and his registration was last renewed on.....)

This certificate shall remain in force till.....

Name:.....

Qualification:.....

Registered No:.....

.....

Signature

(Registrar)

Sikkim State Dental Council, Gangtok

N.B. - The portion within brackets, namely, "and his registration was last renewed on....." shall be omitted when the certificate is issued on first registration.

APPENDIX-II

FORM IV

(See rule 55)

Application for Registration of additional qualification

To

The Registrar,
Sikkim State Dental Council,
Gangtok.

Sir

I beg to apply for the registration of the additional qualifications ofwhich I have obtained from*in.....(year). The diplomas or certificates of the qualifications are enclosed herewith. These may be returned as soon as done with. I am already registered under the Dentists Act, 1948 and my registration No.....

The prescribed fee of Rupees five hundred is sent herewith by a crossed postal order payable to you at Gangtok, General Post Office.

Yours faithfully,

.....

(Signature of Applicant)

Address.....

Date.....

*Name of the authority awarding the Diploma/Degree.

APPENDIX-II

Duplicate

FORM V

[See rule 52(5)]

Duplicate Certificate of registration issued under section 44 of the Dentist Act, 1948 as the original certificate has been lost or destroyed.

This is to certify that the person named below has been registered under Part A/B as a Dentist under the provisions of the Dentists Act, 1948 (as his/her registration was last renewed on.....).

This certificate shall remain in force till.....

Name:.....

Qualification.....

Registered Number.....

.....

Signature of Registrar,
Sikkim State Dental Council,
Gangtok.

APPENDIX-II

**FORM VI
(See rule 56)**

Office of the Sikkim State Dental Council, Gangtok

No:.....

Certified to be true copy of the entry in Part of the register of dentists relating to the following person, namely:-

Name	Address	Registration No.	Date of Registration	Qualification
(1)	(2)	(3)	(4)	(5)

.....

Registrar

Date.....

N.B.:- This certified copy remains evidence of registration only until the publication of the printed dentists register for 20..... It is not nor must it be used as evidence of the identity of the holder with the person named therein.

